



PATENT  
03317-P0014B WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fang Ma et al.	
Serial No.: 10/047,134	Conf. No.: 4266	Filing Date: January 15, 2002
Title of Application:	System for Simulating Trading of Financial Assets	
Group Art Unit: 2128	Examiner: Silver, David	

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Reply Brief Under 37 CFR §41.41**

Dear Sir:

Having received the Examiner's Answer, Applicant submits this Reply Brief for the above-captioned application pursuant to 37 C.F.R. §41.41 as follows.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as FIRST CLASS MAIL, postage prepaid, in an envelope addressed to: Mail Stop Appeal Brief – Patents; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

July 7, 2006

  
Daniella Crimi

### **Reply to Examiner's Responses**

Applicant has fully set forth its arguments for patentability in its previously filed Appeal Brief. Herein, Applicant very briefly addresses the Examiner's Responses to Applicant's arguments, as set forth in the Examiner's Answer.

In Section 10.2 of the Examiner's Answer, the Examiner cites numerous statements made by Applicant as supporting the proposition that the prior art cited by the Examiner discloses "time intervals and corresponding prices which are based on historical data." However, Applicant respectfully submits that whether or not this proposition is true is irrelevant. Claims 1, 13 and 16, the independent claims of the application, require much more than merely "time intervals and corresponding prices which are based on historical data." Rather, they require that such information be used in a very specific way. Applicant has never contended that historical time intervals and corresponding prices have never been used in prior art systems, and in fact, readily admitted to the use of such information in charting systems in the Background section of the application, as originally filed. However, Applicant contends that "time intervals and corresponding prices which are based on historical data" have never been used in the manner required by Claims 1, 13 and 16 of the present application.

In Sections 10.4 and 10.6 of the Examiner's Answer, the Examiner appears to argue that Klein is not directed to a game, but rather to a simulator for providing real-world options trading environment. Applicant respectfully submits that this position that the system disclosed in Klein is either directed one or the other is erroneous. The title of Klein itself (i.e., "Stock Simulation Engine For An Options Trading Game") indicates such. Thus, Applicant suggests that one skilled in the art would understand Klein to disclose a simulator for providing a real-world options trading environment for use in a game.

Klein is concerned that the trading environment simulate a real-world trading environment. Thus, the way information is presented to the player and the way trades are executed by the player should be similar to the way information is presented and trades are executed in the real world. This will allow the player to be educated in the manner in which the real-world trading environment operates.

However, there is no indication whatsoever in Klein that time intervals and/or price data itself is, should be, or even could be based upon actual historical data. Rather, a large portion of the disclosure of Klein is devoted to explaining, in detail, the algorithms and methods used to create and generate the fictitious data upon which the simulated trading is based. If historical data were substituted for the fictitious data contemplated by Klein, a large portion of the teachings of Klein would be superfluous. One skilled in the art reading Klein would understand that the generation of fictitious data is one of the central elements, if not the most central element, of Klein, and would not have modified Klein to remove this element.

Applicant has also argued that one skilled in the art would not modify Klein, a main object of which is to provide a “fun and interesting” game, to use historical data, since doing so oftentimes might lead to ordinary and mundane situations, and therefore ordinary and mundane gameplay. The Examiner has not disputed such, but rather has essentially said that even if such were true, in some other instances, historical data may lead to acceptable gameplay. Applicant respectfully submits however, that one skilled in the art reading Klein, with its teachings that “fun and interesting” gameplay is desired, would not modify the system disclosed thereon such that it was only fun and interesting some of the time.

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For the foregoing reasons, as well as those set forth in Applicant's previously filed Appeal Brief, Applicant respectfully submits that the claimed invention embodied in each of claims 1-18 is patentable over the cited prior art. As such, Applicant respectfully requests that the rejections of each of claims 1-18 be reversed and the Examiner be directed to issue a Notice of Allowance allowing each of claims 1-18.

Respectfully submitted,



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